

REMARKS

In the Office Action, the Examiner objected to the title of the invention as not being descriptive.

Further, the Examiner objected to claim 18, pursuant to 37 C.F.R. 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Finally, claims 1-24 were rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,898,569 to Bansal et al. (hereinafter "Bansal") in view of U.S. Patent Publication No. 2005/0027580 to Crici et al. (hereinafter "Crici"). Applicants respectfully traverse the rejections of record.

Title of Invention

Applicants respectfully request that the title be changed in accordance with the Examiner's suggestion from "INTERNET-BASED CUSTOMER INFORMATION SYSTEM AND METHOD" to "INTERNET-BASED ON-TIME APPOINTMENT STATUS DISPLAY."

Objection under 37 C.F.R. 1.75(c)

Claim 18 has now been canceled and the objection is therefore moot.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-24 as being obvious under 35 U.S.C. § 103 in view of U.S. Pat. No. 6,898,569 to Bansal et al. ("Bansal") and U.S. Pat. Appln. Pub. No. 2005/0027580 to Crici et al. ("Crici"). Bansal teaches an advanced scheduling and messaging system. Based on user location, appointment location, appointment time and the current time,

the system determines when a meeting participant is going to be late to an imminent appointment, and automatically generates and sends a notification to meeting participants. *See* Bansal, Abstract. The Bansal system uses a communication network which “may be the Public Switched Telephone Network (PTSN), the Internet or any other type of network.” *Id.*, col. 3, lines 1-3. Bansal further teaches that notifications may be placed “on an Intranet, the Internet, or a World Wide Web page to be retrieved by the attendee....” *Id.*, col. 4, lines 7-9.

Crici teaches an appointment scheduling system that allows remote appointment scheduling for service providers, such as physicians, utilizing the Internet. Crici, para [0007].

The Examiner acknowledges that Bansal does not relate to a notification system by which physicians or other service providers provide “on-time” status to their customers. Office Action, p. 6. The Examiner alleges, however, that it would have been obvious to one skilled in the art at the time of the invention that the system of Bansal could have been modified for use by service providers in the manner claimed by Applicants. *See, id.*, p. 6. Applicants respectfully assert that the combination of Bansal and Crici is obvious only with the benefit of hindsight in view of the present invention. As the Court of Appeals for the Federal Circuit has explained:

The combination of elements from non-analogous sources, in a manner that reconstructs the applicant’s invention only with the benefit of hindsight, is insufficient to present a *prima facie* case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant’s invention itself.

In re Oetiker, 24 U.S.P.Q.2d 1443, 1447, 977 F.2d 1443, 1447 (Fed. Cir. 1992).

There is no “reason, suggestion, or motivation” in the prior art such that one of ordinary skill in the art would make the combination which forms the basis of the rejections under 35 U.S.C. § 103(a) in the Office Action. One seeking to solve a problem of notifying business

meeting attendees of the timeliness of an imminent meeting would not reasonably look to a system for remotely scheduling future appointments for service providers. Specifically, although both Bansal and Crici relate to appointments or meetings in a general sense, they confront two very different problems. Crici is directed to the scheduling of appointments, whereas Bansal which is directed to the notifying of a meeting's timeliness. Moreover, Bansal is directed to the notification of a meeting's timeliness at or around the time of the meeting -- when the meeting time is imminent. On the other hand, the system disclosed by Crici is directed to remote, Internet-based scheduling of future appointments between a customer and a service provider. Thus, Bansal and Crici address different problems in different environments and operate at two completely different times in relation to an appointment or meeting. One of skill addressing either set of problem, environment and timing parameters would have no motivation to look to the other.

Furthermore, it is relevant that the end users interact very differently with the system disclosed by Crici as opposed to the system disclosed by Bansal. In Crici, the customer must engage the system in an active manner, proactively accessing the schedule through the Internet, determining which appointment to select and then selecting an appropriate appointment. *See* Crici, Abstract. However, in Bansal, the meeting participants generally interact with the server in a passive manner, waiting for the server to provide some notification regarding the timeliness of a meeting. *See* Bansal, col. 3, ln. 56 - col. 4, ln. 13. This difference in the customer/participant role reflects the entirely different objectives of the Bansal and Crici systems. Consequently, the motivation to combine such dissimilar references is lacking.

For at least the forgoing reasons, Applicant respectfully asserts that Bansal and Crici were improperly combined and requests that the rejection of claims 1-17 and 18-24 be withdrawn.

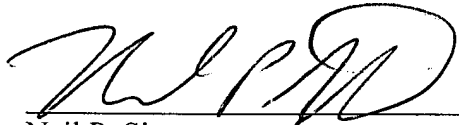
Accordingly, Applicant respectfully submits that the pending claims are in condition for allowance.

CONCLUSION

In view of the foregoing remarks, favorable reconsideration and allowance of claims 1-24 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Applicant's request a two-month extension of time for filing this Response. Please charge Deposit Account No. 02-4377 the appropriate fee. Please also credit any overpayments and charge any deficiency in payment to said deposit account, as necessary.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'N. P. Sirota', written over a horizontal line.

Neil P. Sirota
Patent Office Reg. No. 38,306
(212) 408-2549

Attorney for Applicants

BAKER BOTTS L.L.P.
30 Rockefeller Plaza
New York, NY 10112